

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF VIRGINIA  
LYNCHBURG DIVISION

CLERK'S OFFICE U.S. DIST. COURT  
AT LYNCHBURG, VA  
FILED

DEC 22 2009

PAUL QUINN COLLEGE

Plaintiff,

6:09mc00003

JOHN F. CORCORAN, CLERK  
BY: *Fay Coleman*  
DEPUTY CLERK

v.

CIVIL ACTION NO. 1:09-cv-2327-WSD

THE SOUTHERN ASSOCIATION  
OF COLLEGES AND SCHOOLS  
COMMISSION ON COLLEGES

Defendant.

MOTION TO QUASH SUBPOENA AND IMPOSE SANCTIONS  
AND MEMORANDUM IN SUPPORT

Kenneth R. Garren moves the quash the attorney-issued subpoena duces tecum served upon him on behalf of Paul Quinn College on the grounds set forth in the following memorandum.

**Memorandum**

Counsel for Paul Quinn College issued the attached subpoena to Kenneth R. Garren on December 14, 2009, which was served on his attorney-in-fact in this matter on December 18, 2009, in connection with a case pending in the Northern District of Georgia styled *Paul Quinn College v. The Southern Association of Colleges and Schools Commission on Colleges*, Civil Action No. 1:09-cv-2327-WSD.

The Amended Complaint in this suit indicates it is a challenge to the revocation of accreditation of Paul Quinn College by the Southern Association of Colleges and Schools Commission on Colleges ("SACS").

Kenneth R. Garren, who is President of Lynchburg College, has been an active participant in the activities of SACS for a number of years. He has not only overseen the accreditation reviews of Lynchburg College by SACS, but has also served on visiting

committees to other colleges for the purpose of evaluating whether the colleges meet the standards for SACS accreditation. He also sat on an appeals committee which heard the appeal within SACS by Paul Quinn College of its denial of accreditation by SACS.

In his capacity as a member of the SACS appeals committee in the Paul Quinn College matter, he received and reviewed documents submitted by Paul Quinn College and counsel for SACS dealing with the denial of accreditation to Paul Quinn College.

In the subpoena issued to him by counsel for Paul Quinn College, he has been asked to produce documents relating to Paul Quinn College (Requests 1 and 3), and has offered to make those documents available to counsel for Paul Quinn College. See December 18, 2009, letter from counsel for Lynchburg College to counsel for Paul Quinn College, attached as Exhibit A.

In return, Dr. Garren has asked that the attorney-issued subpoenas to him and to Lynchburg College issued out of the wrong court (the Northern District of Texas) and the overly-broad subpoena to Lynchburg College for documents in his possession and under his control be withdrawn. He has also asked that document request 2 in the subpoena to him be withdrawn. This request seeks all correspondence or communications written or verbal between Dr. Garren and any person affiliated with SACS, on any subject, whether or not related to Paul Quinn College. This would encompass all of his correspondence relating to Lynchburg College or to any other college he has dealt with in any way, whether or not in his service to SACS, including sensitive financial and proprietary information of colleges who have nothing to do with Paul Quinn College.

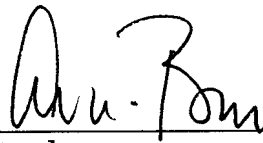
Counsel for Paul Quinn College has refused this request, thereby forcing Dr. Garren to move to quash the subpoena on the grounds that it is overbroad, burdensome, unreasonable and oppressive and issued solely for the purpose of harassment.

Dr. Garren therefore asks this Court to quash the subpoena issued to him, or, in the alternative, to issue a protective order limiting the scope of the subpoena to documents related to Paul Quinn College, and to award costs and reasonable attorneys' fees of \$1,000.00 for having to move for this motion to quash.

DATED: December 22, 2009  
Lynchburg, Virginia

Respectfully submitted,

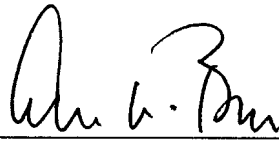
KENNETH R. GARREN

By:   
Counsel

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CERTIFICATE OF SERVICE

I hereby certify that I have mailed by U.S. first-class mail, postage prepaid, the foregoing Motion to Quash Subpoena and Impose Sanctions and Memorandum in Support to counsel for Paul Quinn College, William F. Large, Esq. and Benjamin Riemer, Esq., 1717 Main Street, Suite 4800, Dallas, TX 75201, this 22<sup>nd</sup> day of December, 2009.

  
Alexander W. Bell